

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6845**

**BILL NUMBER:** SB 273

**NOTE PREPARED:** Dec 23, 2008

**BILL AMENDED:**

**SUBJECT:** Child Molesters and Credit Class IV.

**FIRST AUTHOR:** Sen. Head

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State

**Summary of Legislation:** The bill expands the definition of "credit restricted felon" to include all persons convicted of child molesting. (Credit-restricted felons are required to serve 85% of their sentence.)

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. By making all offenders convicted of child molesting credit-restricted felons, costs of incarceration could marginally increase \$1.9 M.

**Background and Additional Information-**

Child molesting is a Class B or a Class C felony depending on the circumstance and elements of the crime. These offenses also may be enhanced to Class A felonies. In general, most offenders who receive an enhanced penalty are already statutorily credit-restricted felons assigned to Credit Class IV. A person assigned to Class IV earns one day of credit time for every six days the person is imprisoned for a crime.

Assuming that the bill will lengthen the incarceration period of Class B and Class C felony offenders only and based on the average commitments to state correctional facilities between 2003 and 2007, the marginal cost for medical care, food, and clothing of approximately \$1,825 annually, and the midpoint sentence for the offense, the additional cost for these offenders would be \$1.9 M. The table below shows the details of this analysis.

	<b>Class B Felony</b>	<b>Class C Felony</b>
<b>Average Annual Commitments 2003 - 2007</b>	<b>146</b>	<b>257</b>
85% of Midpoint Sentence*	8.5 years	3.4 years
Less: Average Length of Stay for All Offenders	<u>3.7 years</u>	<u>2.0 years</u>
<b>Difference: Additional Length of Stay</b>	<b>4.8 years</b>	<b>1.4 years</b>
<b>Additional Median Cost</b>	<b>\$ 1,278,960</b>	<b>\$654,591</b>
*The midpoint is the advisory sentence and the point between the minimum and maximum sentence.		

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:**

**Information Sources:** Department of Correction.

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